

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher J. Nagel  
Application No: 10/823,403                      Group No: 1796  
Filed: April 13, 2004                      Examiner: Mark T. Kopec  
Confirmation No.: 3233  
Title: Composition of Matter Tailoring: System I

**REQUEST TO VACATE OFFICE ACTION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Request is made in reply to the Final Office action mailed from the U.S. Patent and Trademark Office on April 30, 2008 in the above-identified application.

In particular, the Examiner states that Claims 44-69 are pending and rejected. Page 1. On Page 2, Claims 44-48 are provisionally rejected over USSN 10/823,404 and 10/659,050 and rejected over US Patent 7,238,297. Claims 44-56 are rejected under 35 USC 112, first paragraph. There is no statement of rejection for Claims 57-69. However, on Page 3, it is noted that Claims 57-68 were not included "in this rejection," inferring that the sentence related only to the 112 rejection and inferring that Claim 69 was included in the 112 rejection. As such, the status of Claims 57-69 are not clear. As such, it is respectfully requested that the Final Office Action be vacated and the status of each claim be clarified.

Further, with regard to the double patenting rejections, it is stated that the Terminal Disclaimers filed on January 17, 2008 are not acceptable as they are not signed by an attorney of record. In fact, they were signed by the undersigned, who is an attorney of record, as confirmed by PAIR. Reconsideration of these rejections is respectfully considered.

Respectfully submitted,

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